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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,836

Applicant(s)

FANGMAN ET AL

Examiner

Andrew C. Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Office would like to thank the Applicants' remarks on Amendment after Non-Final Rejection (dated 04/11/2005)

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1 – 9, 15 – 24, 31– 40, 46 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7, 11, 49, 21, 44 and 62 of U.S. Patent No. 6687245 B2.

Regarding claim 1, *a method of performing IP telephone (see U.S. Patent No. 6687245 B2, column 33, line 1) receiving a data packet from an IP telephone, wherein the data packet comprises a private source IP address, a source port number, and destination information associated with an IP device; performing a network address persistent port translation (NAPPT) on the data packet; and sending the data packet to the IP device. (see U.S. Patent No. 6687245 B2, column 33, lines 17 – 25).*

Regarding claim 2, *the method of claim 1, wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises changing the private source IP address to a public source IP address while leaving the source port number unchanged, and wherein the public source IP address and the source port number may be used to uniquely identify the IP telephone. (see U.S. Patent No. 6687245 B2, column 33, lines 42 – 48).*

Regarding claim 3, *the method of claim 1, further comprising: receiving a data packet from the IP device, wherein the data packet comprises a public destination IP address, a destination port number, and source information, wherein said public destination IP address comprises said public source IP address, and wherein said destination port number comprises said source port number; performing a network address persistent port translation (NAPPT) on the data packet received from the IP device; and sending the data packet received from the IP device to the IP telephone (see*

U.S. Patent No. 6687245 B2, column 39, lines 56 – 60, 63 – 65).

Regarding claim 4, *the method of claim 3, wherein said performing a network address persistent port translation (NAPPT) on the data packet received from the destination comprises using the public destination IP address and the destination port number to uniquely identify the IP telephone, and changing the public destination IP address to the private source IP address while leaving the destination port number unchanged (see U.S. Patent No. 6687245 B2, column 40, lines 3 – 10).*

Regarding claims 5, 20, 36, *the method of claim 3, wherein said source port number and said destination port number are in an assigned range of port numbers comprising ports which are not reserved for use by other IP protocols (see U.S. Patent No. 6687245 B2, column 36, lines 52 – 54).*

Regarding claim 6, *the method of claim 1, further comprising performing the following steps prior to said receiving said packet: receiving an identifier from the IP telephone; determining if the identifier is valid; and if the identifier is valid, assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications (see U.S. Patent No. 6687245 B2, column 33, lines 26 – 34).*

Regarding claim 7, *the method of claim 6, wherein said range of port numbers comprises ports which are not reserved for use by other IP protocols (see U.S. Patent No. 6687245 B2, column 36, lines 52 – 54).*

Regarding claim 8, *the method of claim 6, wherein the identifier comprises a vendor class identifier (see U.S. Patent No. 6687245 B2, column 33, lines 35 – 36).*

Regarding claim 9, *the method of claim 6, wherein said determining comprises: determining if a MAC ID for the IP telephone is valid; and if the MAC ID is determined to be valid, then determining if the identifier is valid (see U.S. Patent No. 6687245 B2, column 33, lines 37 – 41).*

Regarding claim 15, *the method of claim 6, wherein the range of port numbers comprises one or more port numbers (see U.S. Patent No. 6687245 B2, column 33, lines 7 – 8).*

Regarding claim 16, *a system for performing IP telephony, comprising: a network; an IP telephone; a Service Gateway, wherein the Service Gateway is operable to couple to the IP telephone through the network; wherein the Service Gateway is further operable to: receive a data packet from an IP telephone, wherein the data packet comprises a private source IP address, a source port number, and destination information associated with an IP device; perform a network address persistent port translation (NAPPT) on the data packet; and send the data packet to the IP device (see U.S. Patent No. 6687245 B2, column 35, lines 61 – 65; column 36, lines 20 – 28).*

Regarding claim 17, *the system of claim 16, wherein, in performing a network address persistent port translation (NAPPT) on the data packet, the Service Gateway is operable to: change the private source IP address to a public source IP address while leaving the source port number unchanged, and wherein the public source IP address and the source port number may be used to uniquely identify the IP telephone (see U.S. Patent No. 6687245 B2, column 36, lines 29 – 35).*

Regarding claim 18, *the system of claim 16, wherein the Service Gateway is further operable to: receive a data packet from the IP device, wherein the data packet comprises a public destination IP address, a destination port number, and source information, wherein said public destination IP address comprises said public source IP address, and wherein said destination port number comprises said source port number; perform a network address persistent port translation (NAPPT) on the data packet received from the IP device; and send the data packet received from the IP device to the IP telephone (see U.S. Patent No. 6687245 B2, column 39, lines 56 – 60; lines 63 – 65).*

Regarding claim 19, *the system of claim 18, wherein, in performing a network address persistent port translation (NAPPT) on the data packet received from the IP device, the Service Gateway is operable to: use the public destination IP address and the destination port number to uniquely identify the IP telephone; and change the public destination IP address to the private source IP address while leaving the destination port number unchanged (see U.S. Patent No. 6687245 B2, column 40, lines 3 – 10).*

Regarding claim 20, *the system of claim 18, wherein said source port number and said destination port number are in an assigned range of port numbers comprising ports which are not reserved for use by other IP protocols.*

Regarding claim 21, *the system of claim 16, wherein, prior to said receiving said packet, the Service Gateway is further operable to: receive an identifier from the IP telephone; determine if the identifier is valid; and if the identifier is valid, assign a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is*

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operable to use at least a subset of the range of port numbers to send or receive IP communications (see U.S. Patent No. 6687245 B2, column 36, lines 36 – 44).

Regarding claim 22, the system of claim 21, wherein said range of port numbers comprises ports which are not reserved for use by other IP protocols (see U.S. Patent No. 6687245 B2, column 36, lines 52 – 54).

Regarding claim 23, the system of claim 21, wherein the identifier comprises a vendor class identifier (see U.S. Patent No. 6687245 B2, column 36, lines 45 – 46).

Regarding claim 24, the system of claim 21, wherein, in determining if the identifier is valid, the Service Gateway is operable to: determine if a MAC ID for the IP telephone is valid; and if the MAC ID is determined to be valid, then determine if the identifier is valid (see U.S. Patent No. 6687245 B2, column 36, lines 47 – 51).

Regarding claim 31, the system of claim 21, wherein the range of port numbers comprises one or more port numbers (see U.S. Patent No. 6687245 B2, column 33, lines 7 – 8).

Regarding claim 32, a memory medium, wherein the memory medium is operable to store program instructions which are executable to perform (see U.S. Patent No. 6687245 B2, column 39, lines 19 – 21; column 43, lines 4 – 6): receiving a data packet from an IP telephone, wherein the data packet comprises a private source IP address, a source port number, and destination information associated with an IP device; performing a network address persistent port translation (NAPPT) on the data packet; and sending the data packet to the IP device (see U.S. Patent No. 6687245 B2, column 39, lines 33 – 36; lines 39 – 41).

Regarding claim 33, *the memory medium of claim 32, wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises changing the private source IP address to a public source IP address while leaving the source port number unchanged, and wherein the public source IP address and the source port number may be used to uniquely identify the IP telephone (see U.S. Patent No. 6687245 B2, column 39, lines 46 – 52).*

Regarding claim 34, the memory medium of claim 32, wherein the program instructions are further executable to perform: receiving a data packet from the IP device, wherein the data packet comprises a public destination IP address, a destination port number, and source information, wherein said public destination IP address comprises said public source IP address, and wherein said destination port number comprises said source port number; performing a network address persistent port translation (NAPPT) on the data packet received from the IP device; and sending the data packet received from the IP device to the IP telephone (see U.S. Patent No. 6687245 B2, column 39, lines 56 – 60; lines 63 – 65).

Regarding claim 35, the memory medium of claim 34, wherein said performing a network address persistent port translation (NAPPT) on the data packet received from the destination comprises using the public destination IP address and the destination port number to uniquely identify the IP telephone, and changing the public destination IP address to the private source IP address while leaving the destination port number unchanged (see U.S. Patent No. 6687245 B2, column 40, lines 3 – 10).

Regarding claim 37, *the memory medium of claim 32, wherein the program instructions are further executable to perform the following steps prior to said receiving said packet: receiving an identifier from the IP telephone; determining if the identifier is valid; and if the identifier is valid, assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications* (see U.S. Patent No. 6687245 B2, column 40, lines 11 – 20).

Regarding claim 38, *the memory medium of claim 37, wherein said range of port numbers comprises ports which are not reserved for use by other IP protocols* (see U.S. Patent No. 6687245 B2, column 36, lines 52 – 54).

Regarding claim 39, *the memory medium of claim 37, wherein the identifier comprises a vendor class identifier* (see U.S. Patent No. 6687245 B2, column 40, lines 25 – 26).

Regarding claim 40, *the memory medium of claim 37, wherein said determining comprises: determining if a MAC ID for the IP telephone is valid; and if the MAC ID is determined to be valid, then determining if the identifier is valid* (see U.S. Patent No. 6687245 B2, column 40, lines 27 – 31).

Regarding claim 46, *the memory medium of claim 37, wherein the range of port numbers comprises one or more port numbers* (see U.S. Patent No. 6687245 B2, column 33, lines 7 – 8).

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4. For claim 1, Applicant merely broadens the scope of U.S. Patent No. 6687245 B2 claim 7 by eliminating the reference terms — “with an IP telephone”, “activating the IP telephone; performing client DHCP lease negotiation with the IP telephone, wherein an identifier of the telephone is used to determine a range of port numbers assigned to the IP telephone, wherein the range of ports numbers comprises one or more port numbers which are not reserved for use by other IP protocols; initializing the TIP telephone; registering the IP telephone; and performing IP communications using the IP telephone; wherein said performing IP communications uses one or more ports in the range of assigned ports, and wherein said performing IP communications using IP telephone comprises:”

For claims 2, 17, Applicant merely copies the scope of U.S. Patent No. 6687245 B2 claim 11.

For claims 3, 18, Applicant merely broadens the scope of U.S. Patent No. 6687245 B2 claim 47 by eliminating the reference terms — “The memory medium of claim 44, wherein said performing IP communications using the IP telephone comprises:”, and by minor modifying the reference term” wherein said destination ports number is in the assigned range of port numbers and wherein the public destination IP address and the destination port number may be used to uniquely identify the IP telephone “ with “wherein said public destination IP address comprises said public source IP address, and wherein said destination port number comprises said source port number”, by eliminating the reference terms “i)”, and “j)”.

For claims 4, 19, Applicant merely copies the scope of U.S. Patent No. 6687245 B2 claim 49.

For claims 5, 20, 36, Applicant merely specifies the scope of U.S. Patent No. 6687245 B2 claim 26 by replacing reference terms — “the” with “said source port number and said destination port number are in an assigned”, and by eliminating the reference terms “one or more” and “numbers”.

For claims 6, 21, Applicant merely copies the scope of U.S. Patent No. 6687245 B2 claim 8.

For claims 7, 22, 38, Applicant merely broadens the scope of U.S. Patent No. 6687245 B2 claim 26 by replacing reference terms — “the” with “said”, and by eliminating the reference terms “one or more” and “numbers”.

For claims 8, 23, Applicant merely copies the scope of U.S. Patent No. 6687245 B2 claim 9.

For claims 9, 24, Applicant merely copies the scope of U.S. Patent No. 6687245 B2 claim 10.

For claims 15, 31, 46, Applicant merely extracts a phrase (lines 7 –8) from the scope of U.S. Patent No. 6687245 B2 claim 7.

For claim 32, Applicant merely broadens the scope of U.S. Patent No. 6687245 B2 claim 44 by eliminating the reference terms — “a) performing client DHCP lease negotiation with the IP telephone, wherein an identifier of the IP telephone is used to determine a range of port numbers assigned to the IP telephone; b) initializing the IP telephone; e) registering the IP telephone; and d) performing IP communications using

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the IP telephone; wherein said performing IP communications uses one or more ports in the range of assigned ports, and wherein said performing IP communications using IP telephone comprises:"

For claim 33, Applicant merely copies the scope of U.S. Patent No. 6687245 B2 claim 46.

For claim 34, Applicant merely broadens the scope of U.S. Patent No. 6687245 B2 claim 44 by eliminating the reference terms — "said performing Ip communications using the IP telephone comprises:" and " and "h)", "wherein the public destination IP address and the destination port number may be used to uniquely identify the IP telephone ", "l)" , "j)".

For claim 35, Applicant merely copies the scope of U.S. Patent No. 6687245 B2 claim 49.

For claim 37, Applicant merely copies the scope of U.S. Patent No. 6687245 B2 claim 50.

For claim 38, Applicant merely copies the scope of U.S. Patent No. 6687245 B2 claim 26.

For claim 39, Applicant merely copies the scope of U.S. Patent No. 6687245 B2 claim 52.

For claim 40, Applicant merely copies the scope of U.S. Patent No. 6687245 B2 claim 53.

It has been held that omission of an element and its function is an obvious expedient if the remaining elements perform the same function as before. In re Karlson, 136 USPQ 184 (CCPA). Also note Ex Parte Raine, 168 USPQ 375 (bd. App. 1969) ; omission of a reference element whose function is not needed would be obvious to one skilled in the art.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 32, 2, 17, 33, 3, 18, 34, 4, 19, 35, 5, 7, 20, 22, 36, 38, 15, 46, 31, 6, 21, 37, 16, are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster et al. (U.S. Patent No. 6822957 B1).

Regarding claims 1, 32, Schuster et al. discloses the limitation of a method, memory medium for performing IP telephony, comprising: receiving a data packet from an IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32), wherein the data packet comprises a private source IP address, a source port number, and destination information associated with an IP device (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32; column 16, lines 13 – 20);

performing a network address persistent port translation (NAPPT) on the data packet (Fig. 9, column 15, lines 32 – 47); and sending the data packet to the IP device (column 16, lines 46 – 49).

Regarding claims 2, 17, 33, Schuster et al. discloses the limitation of the method of claimed wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises changing the private source IP address to a public source IP address while leaving the source port number unchanged, and wherein the public source IP address and the source port number may be used to uniquely identify the IP telephone (Fig. 9, column 15, lines 32 – 47; column 16, lines 13 – 20).

Regarding claims 3, 18, 34, Schuster et al. discloses the limitation of the method of claimed further comprising: receiving a data packet from the IP device, wherein the data packet comprises a public destination IP address, a destination port number, and source information, wherein said public destination IP address comprises said public source IP address, and wherein said destination port number comprises said source port number ((column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32; column 16, lines 13 – 20)); performing a network address persistent port translation (NAPPT) on the data packet received from the IP device (Fig. 9, column 15, lines 32 – 47); and sending the data packet received from the IP device to the IP telephone (column 16, lines 46 – 49).

Regarding claims 4, 19, 35, Schuster et al. discloses the limitation of the method of claimed wherein said performing a network address persistent port translation (NAPPT) on the data packet received from the destination comprises using the public

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destination IP address and the destination port number to uniquely identify the IP telephone, and changing the public destination IP address to the private source IP address while leaving the destination port number unchanged (Fig. 9, column 15, lines 32 – 47; column 16, lines 13 – 20).

Regarding claims 5, 7, 15, 20, 22, 31, 36, 38, 46, Schuster et al. discloses the limitation of the method, system, memory medium of claimed wherein said source port number and said destination port number are in an assigned range of port numbers comprising ports which are not reserved for use by other IP protocols (Fig. 2, Fig. 3; column 11, lines 50 – 55; column 12, lines 31 – 43; column 16, lines 13 – 20).

Regarding claims 6, 21, 37, Schuster et al. discloses the limitation of the method of claimed further comprising performing the following steps prior to said receiving said packet: receiving an identifier from the IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32); determining if the identifier is valid (column 8, lines 52 – 55); and if the identifier is valid, assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications (column 11, lines 1 – 12; column 16, lines 13 – 20).

Regarding claim 16, Schuster et al. discloses the limitation of a system for performing IP telephony, comprising: a network (Fig. 1, column 5, line 16 – 24); an IP telephone (Fig. 1, element 22, column 5, lines 24 – 26); a Service Gateway, wherein the Service Gateway is operable to couple to the IP telephone through the network (column 6, lines 23 – 25); wherein the IP telephone is operable to send an identifier to the Service

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Gateway; wherein the Service Gateway is operable to: receive an identifier from the IP telephone; determine if the identifier is valid; and if the identifier is valid, assign a range of port numbers to the IP telephone based on the identifier; wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications (column 8, lines 52 – 55; column 11, lines 1 – 12, column 16, lines 13 – 20).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 23, 39, 30, 9, 24, 40, 10, 25, 41, 11, 12, 26, 27, 42, 43, 13, 28, 44, 14, 29, 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. (U.S. Patent No. 6822957 B1) in view of Fijolek et al. (U.S. Patent No. 6577642 B1).

Regarding claim 8, 23, 30, 39, Schuster et al. discloses the limitation of a method for performing IP telephony, comprising: receiving a data packet from an IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32), Schuster et al. does not disclose expressly the method of claimed wherein the identifier comprises a vendor class identifier. Fijolek et al. discloses the limitation of the method of claimed wherein the identifier comprises a vendor class identifier (column 10, lines 60 – 67; column 11, lines 5 – 9; column 11 – 12, Table 1). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Schuster et al. to include a the method of claimed wherein the identifier comprises a vendor class identifier such as that taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system (as suggested by Fijolek et al. , see column 5, lines 4 – 5).

Regarding claims 9, 24, 40, Schuster et al. discloses the limitation of a method, system for configuring an IP telephone, comprising: receiving an identifier from the IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32). Schuster et al. does not disclose expressly the method of claimed wherein said determining comprises: determining if a MAC ID for the IP telephone is valid; and if the MAC ID is determined to be valid, then determining if the identifier is valid. Fijolek et al. discloses the method, system of claimed wherein said determining comprises: determining if a MAC ID for the data link layer is valid; and if the MAC ID is determined to be valid, then determining if the identifier is valid (column 8, lines 22 – 36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schuster et al. to include of the method, system of claimed wherein said determining comprises: determining if a MAC ID for the data link layer is valid; and if the MAC ID is determined to be valid, then determining if the identifier is valid such as that taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system (as suggested by Fijolek et al., see column 5, lines 4 – 5).

Regarding claims 10, 25, 41, Schuster et al. discloses the limitation of a method, system for configuring an IP telephone, comprising: receiving an identifier from the IP

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telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32).

Schuster et al. does not disclose expressly the method, system of claimed wherein said identifier is comprised in a DHCP discover message, the method further comprising:

issuing a DHCP offer to the IP telephone if the identifier is determined to be valid,

wherein the DHCP offer comprises DHCP lease information based on the validated

identifier; the IP telephone issuing a DHCP request in response to the issued DHCP

offer; storing the DHCP lease information in response to the issued DHCP request; the

IP telephone storing the DHCP lease information; and the IP telephone enabling DHCP

settings comprised in the DHCP lease information. Fijolek et al. discloses the limitation

of the method, system of claimed wherein said identifier is comprised in a DHCP

discover message, the method further comprising: issuing a DHCP offer to the IP

telephone if the identifier is determined to be valid, wherein the DHCP offer comprises

DHCP lease information based on the validated identifier (Fig. 13, elements 270, 278,

280, 282, 286; column 25, lines 40 – 63); the IP telephone issuing a DHCP request in

response to the issued DHCP offer; storing the DHCP lease information in response to

the issued DHCP request; the IP telephone storing the DHCP lease information; and the

IP telephone enabling DHCP settings comprised in the DHCP lease information (Fig. 13,

elements 300, 302, 308, 312, 318, 322, 320, 324; column 25, lines 40 – 63; column 26,

lines 44 – 64).⁴ It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify Schuster et al. to include of the method, system of

claimed wherein said identifier is comprised in a DHCP discover message, the method

further comprising: issuing a DHCP offer to the IP telephone if the identifier is determined

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to be valid, wherein the DHCP offer comprises DHCP lease information based on the validated identifier; the IP telephone issuing a DHCP request in response to the issued DHCP offer; storing the DHCP lease information in response to the issued DHCP request; the IP telephone storing the DHCP lease information; and the IP telephone enabling DHCP settings comprised in the DHCP lease information as that taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system (as suggested by Fijolek et al., see column 5, lines 4 – 5).

Regarding claims 11, 12, 26, 27, 42, 43, Schuster et al. discloses the limitation of the method, system of claimed, wherein the range of port numbers and information indicating operational software for the IP telephone (column 5, lines 55 – 67; column 13, lines 14 – 21; column 16, lines 13 – 20), the method further comprising: the IP telephone executing the indicated operational software to enable said IP communications (column 13, lines 14 – 21; column 16, lines 13 – 20; column 6, lines 3 – 23). Schuster et al. does not disclose expressly the method, system of claimed wherein said DHCP lease information. Fijolek et al. discloses the limitation of the method, system of claimed wherein said DHCP lease information (column 24, lines 40 – 67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schuster et al. to include of the method, system of claimed wherein said DHCP lease information such as that taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system (as suggested by Fijolek et al., see column 5, lines 4 – 5).

Regarding claims 13, 28, 44, Schuster et al. discloses the limitation of a method, system for configuring an IP telephone, comprising: receiving an identifier from the IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32). Schuster et al. does not disclose expressly the method of claimed wherein said issuing the request for the operational software comprises issuing a read request to a file transfer server, wherein said file transfer server performs said providing the operational software to the IP telephone (column 9, lines 32 – 35; column 25, lines 65 – 67; column 26, lines 1 – 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schuster et al. to include the method of claimed wherein said issuing the request for the operational software comprises issuing a read request to a file transfer server, wherein said file transfer server performs said providing the operational software to the IP telephone such as that taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system (as suggested by Fijolek et al., see column 5, lines 4 – 5).

Regarding claims 14, 29, 45, Schuster et al. discloses the limitation of a method, system for configuring an IP telephone, comprising: receiving an identifier from the IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32). Schuster et al. does not disclose expressly the method, system of claimed wherein the file transfer server comprises a TFTP (Trivial File Transfer Protocol) server (column 9, lines 32 – 35; column 25, lines 65 – 67; column 26, lines 1 – 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schuster et al. to include of the method, system of claimed wherein the file transfer

server comprises a TFTP (Trivial File Transfer Protocol) server such as that taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system (as suggested by Fijolek et al., see column 5, lines 4 – 5).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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ACL

July 31, 2005


Ajit Patel
Primary Examiner